

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JODY MARIE LUTZ,</b>	:	<b>CIVIL ACTION NO. 3:17-CV-247</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>NANCY A. BERRYHILL, Acting</b>	:	
<b>Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 15th day of June, 2018, upon consideration of the report (Doc. 21) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court deny the appeal of Jody Marie Lutz (“Lutz”) from the decision of the administrative law judge denying her application for a period of disability, disability insurance benefits, and supplemental security income, and the court noting that Lutz filed objections (Doc. 23) to the report, see FED. R. CIV. P. 72(b), and that the Commissioner of Social Security (“Commissioner”) filed a response (Doc. 23) thereto, and following *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Saporito that the administrative law judge’s decision “is supported by substantial evidence,” 42 U.S.C. § 405(g); Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Saporito’s conclusions

and recommendation to be well-reasoned and fully supported by the record, and further finding Lutz's objections to be without merit,<sup>1</sup> it is hereby ORDERED that:

1. The report (Doc. 21) of Magistrate Judge Saporito is ADOPTED.
2. The Commissioner's decision denying Lutz's application for a period of disability, disability insurance benefits, and supplemental security income is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Lutz as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> Lutz notes correctly that portions of the report's analysis appear to adopt verbatim certain arguments raised in the Commissioner's principal brief in support of the administrative law judge's decision. In view of Lutz's ostensible concerns, the court has exercised particular care in undertaking the *de novo* review triggered by a party's objections to a report and recommendation. The court's independent review confirms that the administrative law judge's decision is supported by substantial evidence.